

1 **46. ISSUE: INTERFERENCE BY HENDERSHOTT WITH IA INVESTIGATION OF**
2 **SUPPORT STAFF EMPLOYEE BY LT. KIP RUSTENBERG – SUBJECT:**
3 **HENDERSHOTT**
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5 **Chief Deputy David Hendershott**
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7 H41A. Allegedly, at one point Lt. Kip Rustenberg was conducting an Internal Affairs
8 Investigation relating to a support staff employee (possibly named Karen, who
9 is no longer in the office), who may have violated policies relating to time
10 cards. Lt. Rustenberg made arrangements to speak with various support staff
11 employees, including Lyzandra Ovist, Hendershott's administrative assistant.
12 Upon learning that Rustenberg wanted to interview Ovist, Hendershott became
13 upset and told Rustenberg never to interview Ms. Ovist without first discussing
14 the investigation with him.
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16 **WITNESS ACCOUNTS**
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18 **Kip Rustenburg**
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20 Lt. Rustenburg indicated that she had never seen an IA investigation structured like the
21 Admin IA investigation on Fox and Navarra. She pointed out that there was also special
22 investigative direction given when Rustenburg conducted an IA on one of the
23 Administrative secretaries possibly reporting her time wrong. After Rustenburg called to
24 arrange an interview with Lyzandra Ovist, Hendershott's secretary, she got in trouble
25 with Hendershott for even asking to interview Ovist without permission from
26 Hendershott. Rustenburg was told that she was not to interview Ovist under any
27 circumstances unless she got authorization from Hendershott and Hendershott knew
28 what Ovist was going to be asked. Lt. Rustenburg was under the impression that
29 Hendershott's true concern was the possibility that her investigation might reveal some
30 misconduct on Hendershott's part, which, under any IA investigation, Ovist would be
31 obliged to disclose.
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33 **David Hendershott**
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35 Hendershott did not recall the name of the employee whose conduct was at issue. He
36 thought it had to do with the employee putting overtime on her timesheet, so she could
37 earn more money because she was a single mother. According to Hendershott, it came
38 to his attention the Lieutenant Rustenburg came to interview his secretary, and he knew
39 nothing about the investigation. He did not specifically remember talking to Kip
40 Rustenburg. Hendershott was concerned that someone who worked directly under him
41 was going to be interviewed, and he just wanted to know about it. Hendershott advises
42 that he knew about the investigation, but did not know whom Kip Rustenburg was going
43 to be interviewing, and he did not know that his secretary was going to be interviewed
44 until his secretary, Lyzandra Ovist, told him. As Hendershott commented, "it's just kinda
45 like hey, you got to talk to one of my folks that works directly for me, you may want to

- 1 talk to me because I might have some information, but it was just an issue of being, I
- 2 don't call it professional, you know." (p. 3, Exhibit II16g) As he put it, "I want to know if
- 3 my secretary or someone was going to be interviewed by IA." (p. 3, Exhibit II16g) As
- 4 regards to Kip Rustenburg, Hendershott commented, "She's a very good investigator
- 5 but it really boiled to just, hey, let me know if there's something going on."
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